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Letter dated 15 June 2006 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

The Counter-Terrorism Committee has received the attached report from Tajikistan submitted pursuant to resolution 1624 (2005) (see annex). I would be grateful if you could arrange for the present letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Ellen Margrethe **Løj**
Chairman
Security Council Committee established pursuant to
resolution 1373 (2001) concerning counter-terrorism

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Annex

Note verbale dated 12 June 2006 from the Permanent Mission of Tajikistan to the United Nations addressed to the Chairman of the Counter-Terrorism Committee

The Permanent Mission of the Republic of Tajikistan to the United Nations presents its compliments to the Counter-Terrorism Committee and has the honour to submit additional information to the report of Tajikistan on measures taken to implement Security Council resolutions 1373 (2001) and 1624 (2005) (see enclosure).

Enclosure

[Original: Russian]

Answers from the Government of the Republic of Tajikistan to the note dated 4 April 2006 from the Chairman of the Counter-Terrorism Committee

The Republic of Tajikistan fully supports all existing international treaties concerning various aspects of the fight against international terrorism and the provisions of Security Council resolution 1624 (2005) and is doing everything possible to implement them.

Under the law of Tajikistan, persons who engage in terrorist activity, provide assistance to terrorists or terrorist organizations, or champion their activities are held liable under the Criminal Code of the Republic of Tajikistan. Any organization deemed by a court to be a terrorist organization will be dissolved by a decision of the court and its assets will be confiscated and transferred as revenue to the State. The individual concerned must acknowledge providing funds specifically for terroristic ends. If he does not, making him liable in any way would run counter to Tajikistan's international obligations regarding the protection of human rights (article 11 of the Universal Declaration of Human Rights) and the principle of innocence reaffirmed in article 20 of the Constitution of the Republic of Tajikistan.

Under article 10 of the Act "On combating terrorism", knowingly financing or otherwise assisting a terrorist organization or terrorist group is regarded as terrorist activity.

Persons who are guilty, directly or indirectly, of providing or collecting funds for the commission of terrorist acts are criminally liable for offences committed by terrorists as accomplices to those offences, as provided in articles 35 to 37 of the Criminal Code of the Republic of Tajikistan. In accordance with article 36, paragraph 1, of the Criminal Code, a person who organizes, instigates or abets an offence is deemed an accomplice to that offence, alongside the perpetrator. Pursuant to article 37, paragraph 1, of the Criminal Code, the liability of the accomplices to an offence is determined by the nature and degree of the actual participation of each of them in its commission, and they are liable for committing specific offences under the same article of the Criminal Code as perpetrators of terrorist acts. The very fact of collecting funds for the commission of such offences is thus sufficient grounds for the criminal prosecution of the guilty party.

In order to provide a legislative framework and prevent instigation of terrorist acts, a Programme to Combat Terrorism and Other Manifestations of Extremism for the period 2006 to 2010 and a Counter-Terrorism Concept have been developed by the Ministry of Security and approved by the Government.

In addition, by a decision of the Supreme Court of Tajikistan of 30 March 2006, the following organizations were deemed to be terrorist and extremist and forbidden to engage in activities within the Republic of Tajikistan.

1. Al-Qaida
2. The Taliban

3. The Muslim Brotherhood

4. The East Turkestan Islamic Movement

5. The Islamic Party of Turkestan (formerly the Islamic Movement of Uzbekistan)

6. Lashkar-e-Tiba

7. The Islamic Group (Jamiat-i-Islam-Pakistan)

8. Jamiat-e-Tablic

9. The religious missionary organization Sozmoni Tablig (Call to Islam)

10. Free Tajikistan (Tochikistoni Ozod, founded by the leaders of the anti-constitutional forces).

To provide early warning of terrorist activity in Tajikistan and deny safe haven to persons in respect of whom there is credible and relevant information giving serious reasons for considering that they have been guilty of instigation of terrorist acts, under article 15 of the Act "On combating terrorism", the following are prohibited:

– The entry into, departure from or transit through the territory of Tajikistan of persons who have taken part in terrorist activity;

– The granting of residence permits to persons who have taken part in terrorist activity;

– The granting of Tajikistan citizenship to foreign citizens who have taken part in terrorist activity.

Furthermore, under article 3 of the Act "On refugees", persons in respect of whom there is information about a possible connection with international terrorist organizations or drug trafficking structures may not be granted refugee status.

In addition, in accordance with paragraph 2 of Security Council resolution 1624 (2005), units of the Government Committee for the Protection of the State Border are carrying out effective monitoring at exit and entry points of individuals whose entry into the country has been duly prohibited. This Committee is also one of the actors directly involved in combating terrorism through the detection, prevention and suppression of attempts by terrorist to cross the State border of Tajikistan and is providing assistance to the State security authorities in combating international terrorist activity.

The Committee for the Protection of the State Border also carries out passport and visa checks, and monitors foreign citizens' and stateless persons' entry into, stay in and departure from Tajikistan. Screening is carried out to detect persons suspected of terrorist activities.

In order to counteract incitement to terrorist acts resulting from extremism and intolerance and to prevent subversive activity by terrorists and their supporters, the Ministry of Security of Tajikistan organizes and conducts seminars and lectures at various educational, cultural and religious institutions.

The Ministry of Security has both bilateral and multilateral relations with the security agencies of foreign countries. The establishment in 2000 of the Anti-

Terrorist Centre of member States of the Commonwealth of Independent States (CIS) and the Council of Heads of Security Bodies and Special Services of the CIS member States are examples of multilateral relations within CIS. The foundation for the Council was laid at the first meeting of heads of security bodies and special services on 15 March 1995 in Moscow. As part of multilateral cooperation among member States of the Central Asian Cooperation Organization, a meeting of heads of security bodies and law enforcement and border protection agencies of the Central Asian Cooperation Organization is held annually. Its rules of procedure were approved by a decision of Heads of State of the Central Asian Cooperation Organization in October 2004. Recently, good relations between security and other power agencies have been developed within the framework of the Shanghai Cooperation Organization. The Regional Anti-Terrorist Structure of the Shanghai Cooperation Organization, established by a decision of Heads of member States, consists of an Executive Committee and a Council. The Council meets twice a year and takes decisions aimed at coordinating the activities of the Shanghai Cooperation Organization member States' law enforcement agencies in the fight against terrorism, extremism and separatism.

The Ministry of Security of Tajikistan also has relations with the security agencies and special services of the member States of the Collective Security Treaty Organization and the Eurasian Economic Community.

In addition to multilateral cooperation with security agencies and special services, since 1992 the Ministry of Security of Tajikistan has had bilateral cooperation Agreements with the security agencies and special services of the CIS countries, including the Russian Federation, Ukraine, Belarus, the Republic of Moldova, Kazakhstan, Kyrgyzstan, Uzbekistan, Azerbaijan, Turkmenistan, Armenia and Georgia.

In addition to bilateral agreements with the security agencies and special services of the CIS countries, the Ministry of Security has concluded a number of instruments (agreements, protocols and memoranda) with the security agencies of the People's Republic of China, the Islamic Republic of Iran, the Islamic Republic of Afghanistan, India, the United States of America, Germany and France. These instruments provide for exchanges of highly important information on the activities of international terrorist organizations, their leaders and members representing a possible security threat.

The Ministry of Security of Tajikistan also operates under bilateral agreements signed by Heads of State and Government on ensuring mutual security and combating international terrorism and organized crime.

Paragraph 1 of the note is covered by article 10 of the Act "On combating terrorism", under which:

Terrorist activity includes:

- Organization, planning, preparation and commission of a terrorist act;
- Incitement to terrorist action, violence against individuals or coercion of organizations, or destruction of property and other material objects for terrorist purposes, etc.

Paragraph 2 of the note is covered by article 3 of the Act "On refugees", under which:

There is a restriction on the granting of refugee status in the Republic of Tajikistan to the following persons:

- Persons in respect of whom there are adequate grounds for believing that they have committed a crime against the peace, a military crime or a crime against humanity as defined by the international instruments concluded with a view to the adoption of measures in relation to such crimes;
- Persons in respect of whom there are adequate grounds for believing that they have committed a grave crime of a non-political nature outside of the Republic of Tajikistan before arrival in its territory and who are applying for refugee status;
- Persons in respect of whom there is information about a possible connection with the secret service bodies of the State of which they are nationals, international terrorist organizations, or drug-trafficking structures;
- Persons in respect of whom there are adequate grounds for believing that they are guilty of committing acts that run counter to the purposes and principles of the United Nations and the Organization for Security and Cooperation in Europe.